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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,829	02/05/2004	Robert S. Cooper	114.0005	6010

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PRIEST & GOLDSTEIN PLLC  
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SUITE 230  
DURHAM, NC 27713-7736

EXAMINER
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KOVACEK, DAVID M

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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01/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/772,829	<b>Applicant(s)</b> COOPER ET AL.	
	<b>Examiner</b> David Kovacek	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the Amendments and Remarks, filed by the applicant 11/07/2007, in which the applicant amends the drawings, specification, and claims of the instant application and provides arguments regarding the patentability of the claims with respect to the rejections presented in the previous Office Action.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 11/07/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent Application 10/772,483 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Response to Amendment***

3. The amendments to the specification with regard to the specified informalities cited in the previous Office Action have been considered and are accepted. Specifically, the applicant has amended the specification to include the serial number of a co-pending application that is incorporated by reference as required by the examiner.

The previous objection(s) to the specification has been withdrawn.

4. The amendments to the drawings with regard to the specified informalities cited by the applicant have been considered and are accepted.

The previous objection(s) to the drawings has been withdrawn.

5. The amendments to **claims 1 and 11**, as presented by the applicant have been considered and are accepted. However, the supposed amendments to **claims 8 and 13**, declared in the current listing of the claims (Amendment, page 4), were not identifiable, and these claims are in fact identical in form to their respective counterparts in the original application, and are listed as "Original". However, as with **claims 8 and 13** in the original listing of the claims for this application, the examiner has found no reason to object these claims and they are subsequently accepted.

It is noted by the examiner that acceptance of the form of the claims is in no way indicative of patentability of said claims over the prior art. Rejections of the amended claims based on prior art will be presented below in the appropriate sections.

### ***Response to Arguments***

6. Applicant's arguments with respect to **claims 1 and 11** have been considered but are moot in view of the new ground(s) of rejection.

Regarding **claims 1 and 11**, the amendments of each claim, in particular the inclusion of a limitation directed to defining a prompt as being a message from the system to the user calling for a user input appropriate to the function being performed narrow the scope of each claim significantly. For

this reason, the applicant is correct in asserting that the previous rejection, presented in the previous Office Action, is no longer sufficient in anticipating the claims.

However, it is noted by the examiner that the new grounds of rejection are presented below in the appropriate sections of this Office Action.

It is further noted by the examiner that no other arguments are provided with regard to patentability of the current claims in view of the prior art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (US Patent 6,560,576), cited in the previous Office Action, in view of Ehlen (US Patent Application Publication 2004/0006480), cited in the previous Office Action.

Regarding **claim 1**, Cohen discloses a voice [speech] recognition system comprising:

- A plurality of modules for receiving voice inputs from a user and performing services in response (Fig. 1, item 2; Fig. 2; Col. 4, lines 13-15; Col. 4, lines 31-32; Col. 4, lines 53-57); and
- A prompt selection module [voice browser] for selecting a prompt for presentation to a user (Col. 3, lines 26-31; Fig. 4; Fig. 5), the module being operative to identify an experience level of a user and select a prompt appropriate to the user's experience level (Col. 5, lines 48-55).

Cohen further renders obvious the limitation of selection of prompts tending to favor the presentation of more abbreviated prompts to users with greater experience levels in disclosing the selection of a prompt appropriate to the user's experience level (Col. 5, lines 48-55) and also providing an example of a situation where the system is operable to accept abbreviated commands from the user [bookmarks followed by a name] (Col. 14, lines 52-58).

To modify Cohen's teachings to accommodate a more experienced user with abbreviated help prompts is obvious because the system is designed to allow for abbreviated input and therefore it is within the expectation of success of one of ordinary skill in the art to allow for abbreviated output to increase the efficiency of help prompts for experienced technical users. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Cohen to include abbreviated output prompts in addition to the existing abbreviated

input command options in order to facilitate more efficient usage of the system for an experienced user.

Cohen does not adequately disclose, but Ehlen discloses a dialog system including prompts that are defined as being a message from the system to the user calling for a user input appropriate to the function being performed [triage help dialog move], the prompt indicating the function being performed (Page 2, paragraphs 0014, 0027; Page 4, paragraph 0040) in providing an example of such a help prompt upon request.

The references are combinable because each is directed to a dialog system that provides help prompts to the user in order to facilitate the use of the system by users of varying experience. Ehlen further provides motivation to combine in disclosing the utility of a multi-modal system featuring user-driven help dialogs for the purposes of increasing the set of operable conditions for the use of the system (Page 1, paragraph 0011).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Cohen using the teachings of Ehlen in order to implement a dialog system with experienced-based help prompts that features a multi-modal interface in order to increase the set of operable conditions for using the system.

Regarding **claim 2**, Cohen in view of Ehlen teaches all limitations of **claim 1** as applied above, and Cohen further discloses that the selection of a prompt is

based upon the module and function being used (Col. 5, lines 48-55; Col. 5, line 63-Col. 6, line 10; Col. 6, lines 33-37).

Regarding **claim 3**, Cohen in view of Ehlen teaches all limitations of **claim 2** as applied above, and Cohen further discloses a module incorporating a prompt selection module to select prompts for that module (Col. 5, lines 63-67; Col. 6, lines 1-5; Col. 6, lines 7-10; Col. 6, lines 33-37).

It is noted by the examiner that Cohen only discloses a module in the context of the embodiment of a voice browser. It is additionally noted by the examiner that though Cohen does not explicitly state the existence of a prompt selection module, the disclosure of prompt selection inherently requires some implementation to achieve this. It is further noted that any such implementation would be considered synonymous with the broadest reasonable interpretation of a "prompt selection module" by one of ordinary skill in the art.

Regarding **claim 4**, Cohen in view of Ehlen teaches all limitations of **claim 3** as applied above, and Cohen further discloses prompt selection for each module identifies the function for which prompting is needed and selects from among prompts associated with that function (Col. 5, lines 63-67; Col. 6, lines 1-5).

It is noted by the examiner that this is inherently required of any implementation that is operable to determine a user's first use of a feature as disclosed by Cohen.



Regarding **claim 5**, Cohen in view of Ehlen teaches all limitations of **claim 4** as applied above, and Cohen further discloses user information indicating the user's proficiency in using the system (Col. 5, lines 49-55).

It is noted by the examiner that this limitation is inherently required of any system that is operable to distinguish the user as being of "novice" or "expert" skill level as disclosed by Cohen.

Regarding **claim 6**, Cohen in view of Ehlen teaches all limitations of **claim 5** as applied above, and Cohen further discloses information indicating the user's proficiency includes information indicating the user's proficiency with each function that is available to the user (Col. 5, lines 49-55; Col. 8, lines 11-15).

It is noted by the examiner that this limitation is inherently required of any system that is operable to distinguish the user as being of "novice" or "expert" skill level with regard to a particular function as disclosed by Cohen.

Regarding **claim 7**, Cohen teaches all limitations of **claim 6** as applied above, and further discloses information indicating a function usage tally for each function indicating a number of times the user has successfully employed the function (Col. 5,

lines 63-67; Col. 6, lines 1-10; Col. 6, lines 33-37; Col. 8, lines 11-15; Col. 8, lines 22-23; Col. 8, lines 53-64).

It is noted by the examiner that "dialog state", as determined in Cohen, is understood to be an exchange of data between the user and an active module. This will be the definition of "dialog state" applied throughout the remainder of this document.

It is further noted by the examiner that Cohen's disclosure of a "usage history that tracks the dialog states of the user" (Col. 8, lines 12-13) would be understood by one of ordinary skill in the art to include data regarding each of the functions used. One of ordinary skill in the art would interpret a "function usage tally" to be a subset of this data.

Regarding **claim 8**, Cohen in view of Ehlen teaches all limitations of **claim 7** as applied above, and Cohen further discloses the prompt selection being used employs the function usage tally for a function to determine a user experience category for the user with respect to that function (Col. 5, lines 50-51; Col. 5, lines 63-65; Col. 8, lines 22-23; Col. 8, lines 11-15).

It is noted by the examiner that this is explicitly disclosed in Cohen by regarding any user with a functional usage tally indicating less than one use of a given function to belong to the "novice" experience category.

Regarding **claim 9**, this claim is very similar to **claim 8** and is rejected for the same reasons.

Regarding **claim 10**, Cohen in view of Ehlen teaches all limitations of **claim 9** as applied above, Cohen and additionally discloses the prompt selection selects a prompt associated with the user experience category (Col. 5, lines 50-55).

Regarding **claim 11**, Cohen discloses a prompt selection comprising:

- identifying a module and function being employed when a need for user prompting arises (Col. 5, lines 50-55);
- identifying a user experience level for the function (Col. 5, lines 50-55; Col. 5, line 63-Col.6, line 11; Col. 6, lines 33-37); and
- selecting a prompt appropriate for the user experience level for the function (Col. 5, lines 50-55; Col. 5, line-Col. 6, line 11; Col. 6, lines 33-37).

It is noted by the examiner that the identification of the employed module and function is inherent in the disclosure of Cohen as applied above for **claim 4**. It is further noted by the examiner that identifying a user experience level for a function is inherent in the disclosure of Cohen as applied for **claims 5 and 6** above.

Cohen further renders obvious the limitation of selection of prompts tending to favor the presentation of more abbreviated prompts to

users with greater experience levels in disclosing the selection of a prompt appropriate to the user's experience level (Col. 5, lines 48-55) and also providing an example of a situation where the system is operable to accept abbreviated commands from the user [bookmarks followed by a name] (Col. 14, lines 52-58).

To modify Cohen's teachings to accommodate a more experienced user with abbreviated help prompts is obvious because the system is designed to allow for abbreviated input and therefore it is within the expectation of success of one of ordinary skill in the art to allow for abbreviated output to increase the efficiency of help prompts for experienced technical users. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Cohen to include abbreviated output prompts in addition to the existing abbreviated input command options in order to facilitate more efficient usage of the system for an experienced user.

Cohen does not adequately disclose, but Ehlen discloses a dialog system including prompts that are defined as being a message from the system to the user calling for a user input appropriate to the function being performed [triage help dialog move], the prompt indicating the function being performed (Page 2, paragraphs 0014, 0027; Page 4, paragraph 0040) in providing an example of such a help prompt upon request.

The references are combinable because each is directed to a dialog system that provides help prompts to the user in order to facilitate the use of the system by users of varying experience. Ehlen further provides motivation to combine in disclosing the utility

of a multi-modal system featuring user-driven help dialogs for the purposes of increasing the set of operable conditions for the use of the system (Page 1, paragraph 0011).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Cohen using the teachings of Ehlen in order to implement a dialog system with experienced-based help prompts that features a multi-modal interface in order to increase the set of operable conditions for using the system.

Regarding **claim 12**, Cohen in view of Ehlen teaches all limitations of **claim 11** as applied above, and Cohen further discloses the step of identifying the user experience level is followed by a step of identifying the user as belonging to a particular experience category and the step of selecting a prompt includes selecting a prompt associated with the experience category to which the user belongs (Fig. 4; Fig. 5; Col. 5, lines 50-55; Col. 8, lines 65-66; Col. 9, lines 22-23).

It is noted by the examiner that this limitation is inherent in the disclosure of Cohen as illustrated for **claims 5, 6, and 8** above.

Regarding **claim 13**, Cohen in view of Ehlen teaches all limitations of **claim 12** as applied above, and Cohen further discloses the identifying the user experience category for a function includes examining user information for that function (Col. 8,

lines 11-15; Col. 8, lines 65-66; Col. 9, lines 22-23), the user experience information for the function includes a function usage tally indicating a number of times the function has been successfully invoked by the user (Col. 5, lines 49-51; Col. 8, lines 11-15; Col. 8, lines 52-53).

Regarding **claim 14**, Cohen in view of Ehlen teaches all limitations of **claim 13** as applied above, and Cohen further discloses that identifying the user experience category for a function includes assigning the user to an experience category associated with a range of function usage tally values within which the user's function usage tally for the function falls (Col. 5, lines 49-55).

It is noted by the examiner that this limitation is inherent to the disclosure of Cohen as illustrated for **claims 8 and 9** above.

Regarding **claim 15**, Cohen in view of Ehlen teaches all limitations of **claim 14** as applied above, and Cohen further discloses updating the user information for each function whenever the user successfully invokes the function (Col. 8, lines 11-15; Col. 8, lines 52-53).

It is noted by the examiner that one of ordinary skill of the art would consider "usage history" as disclosed by Cohen to be updated upon any changes in relevant data, including the successful usage of a function by the user.

Regarding **claim 16**, this claim is very similar to **claim 15** and is rejected for the same reasons.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kovacek whose telephone number is (571) 270-3135. The examiner can normally be reached on M-F 9:00am - 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMK 01/08/2008



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